



**Brighton  
Council**

---

**Planning  
Authority  
Agenda**

---

**2 June 2026**

---

Name:

# **I N D E X**

## **Planning Authority Meeting: 2 June 2026**

NOTICE OF MEETING	3
AGENDA	4
1. STATEMENT BY THE CHAIRPERSON	4
2. ACKNOWLEDGEMENT OF COUNTRY	4
3. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE	4
4. NOTIFICATION OF LEAVE OF ABSENCE FOR PARENTAL LEAVE	4
5. PUBLIC QUESTION TIME AND DEPUTATIONS	4
6. DECLARATION OF INTEREST	4
7. COUNCIL ACTING AS PLANNING AUTHORITY	5
7.1 Development Application DA 2025/024 - Multiple Dwellings (4 units) at 77A Fouche Avenue, Old Beach	5



## Brighton Council

**Council Representatives:** Cr L Gray (Chairperson); Cr P Owen (Deputy Chairperson);  
Cr B Curran; Cr A De La Torre; Cr P Geard; Cr G Irons & Cr  
M Whelan

### NOTICE OF MEETING

---

Dear Councillor,

Notice is hereby given that the next **Planning Authority Meeting** of the Brighton Council will be held at **5.30 p.m.** on **Tuesday, 2<sup>nd</sup> June 2026**, to discuss business as printed below.

#### Qualified Person Certification

I HEREBY CERTIFY that in accordance with Section 65 of the *Local Government Act 1993*, any advice, information and recommendation contained in the reports related to the Agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

Dated at Old Beach this *28<sup>th</sup>* day of *May 2026*.

A handwritten signature in black ink, appearing to read 'James Dryburgh', written in a cursive style.

James Dryburgh  
**CHIEF EXECUTIVE OFFICER**

Being the General Manager as appointed by Brighton Council  
pursuant to Section 61 of the *Local Government Act 1993*

## AGENDA

---

### 1. STATEMENT BY THE CHAIRPERSON

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2025*; the Chairperson is to make a verbal statement at the beginning of the meeting to the effect that:-

- (a) An audio recording is being made of this meeting;
- (b) All persons attending this meeting are to be respectful of, and considerate towards, other persons attending the meeting; and
- (c) Language and conduct at the meeting that could be perceived as offensive, defamatory or threatening to a person attending the meeting, or listening to the recording, is not acceptable.

### 2. ACKNOWLEDGEMENT OF COUNTRY

Brighton Council acknowledges the palawa/pakana (Tasmanian Aboriginal) community as the traditional and original owners of the skies, land and water of lutruwita (Tasmania) and forward our respect to their elders both past and present.

Brighton Council acknowledges the continued connection the Tasmanian Aboriginal people still have to the skies, land and water of lutruwita that provides them with the food, medicine and craft celebrated through ceremony today.

### 3. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

### 4. NOTIFICATION OF LEAVE OF ABSENCE FOR PARENTAL LEAVE

### 5. PUBLIC QUESTION TIME AND DEPUTATIONS

### 6. DECLARATION OF INTEREST

In accordance with the requirements of Regulation 10(8) of the *Local Government (Meeting Procedures) Regulations 2025*, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, an interest in any item on the agenda.

In accordance with Section 48(4) of the *Local Government Act 1993*, it is the responsibility of councillors to then notify the Chief Executive Officer, in writing, the details of any interest(s) that the councillor has declared within 7 days of the declaration.

## 7. COUNCIL ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2, Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2025*, the intention of the Council to act as planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 7 on this agenda, inclusive of any supplementary items.

### 7.1 Development Application DA 2025/024 - Multiple Dwellings (4 units) at 77A Fouche Avenue, Old Beach

Author: Planning Officer (D Van)

Authorised: Manager Planning (J Blackwell)

<b>Applicant:</b>	Pinnacle Drafting & Design
<b>Subject Site:</b>	77A, 77, and 75 Fouche Avenue, Old Beach
<b>Proposal:</b>	Multiple Dwellings x 4 units
<b>Planning Scheme:</b>	Tasmanian Planning Scheme - Brighton
<b>Zoning:</b>	General Residential
<b>Codes:</b>	<ul style="list-style-type: none"> <li>• Road and Railway Assets Code</li> <li>• Parking and Sustainable Transport Code</li> <li>• Coastal Inundation Hazard Code</li> <li>• Flood-prone Area Hazard Code</li> </ul>
<b>Use Class:</b>	Residential (Multiple dwellings)
<b>Discretions:</b>	<ul style="list-style-type: none"> <li>• Clause 8.4.6 P3 - Setbacks and Building Envelope for all Dwellings</li> <li>• Clause C2.6.5 P1 - Pedestrian Access</li> </ul>
<b>Representations:</b>	<p>3 representations were received. The representors raised the following issues:</p> <ul style="list-style-type: none"> <li>• Stormwater management report</li> <li>• Traffic issues along Fouche Avenue during construction period</li> </ul>
<b>Attachments:</b>	<p>A - Assessment documents</p> <p>B - TasWater SPAN</p>
<b>Recommendation:</b>	Approval with conditions

## 1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2025/024.

The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the Tasmanian Planning Scheme.

Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993* (LUPAA).

This report details the reasons for the planning officer's recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either:

- (1) adopt the recommendation, or
- (2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa).

Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2025*.

## 2. SITE ASSESSMENT

The site is the land contained in 75, 77 and 77a Fouche Avenue, Old Beach, being the land which forms part of the application. The specific lot for development is identified as CT 187482/1, located at 77A Fouche Avenue, Old Beach, a new title recently created via subdivision of the land at 77 Fouche Avenue. The Lot comprises a vacant allotment of approximately 1,400m<sup>2</sup>. The site is irregular but broadly rectangular with no frontage. The vehicular access for the development relies on the existing Right of Ways over 75 and 77 Fouche Avenue, Old Beach to Fouche Avenue.

The surrounding area is predominantly residential, characterised by suburban densities, with established detached dwellings on the north, recently developed 15 units on the east (75 Fouche Avenue), single dwelling on the south (77 Fouche Avenue), and a large residential lot with single dwelling to the west (39B Sun Valley Drive).

The site is located within 160 metres of the Derwent River to the South and approximately 140 metres from Lennox Park and Cloak Oval.

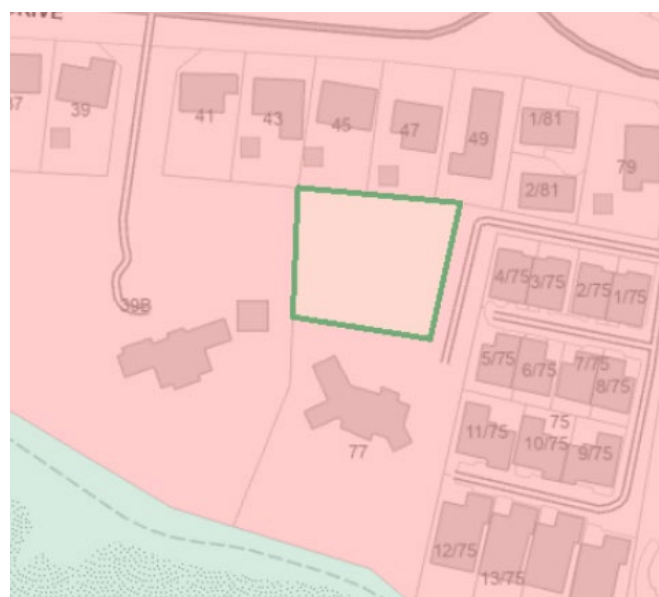
The site is zoned General Residential and is affected by the following Codes/Overlays:

- Low Coastal Inundation Hazard Band
- Flood Prone Areas Hazard Code
- Road and Railway Assets Code
- Parking and Sustainable Transport Code

The site was created through subdivision approved under SA 2022/040 in 2023. As part of that subdivision process, a coastal inundation hazard report was submitted in support of the development.



Figure 1: Location Map (Source: Listmap)



Open Space    General Residential

Figure 2: Zoning Map (Source: Listmap)



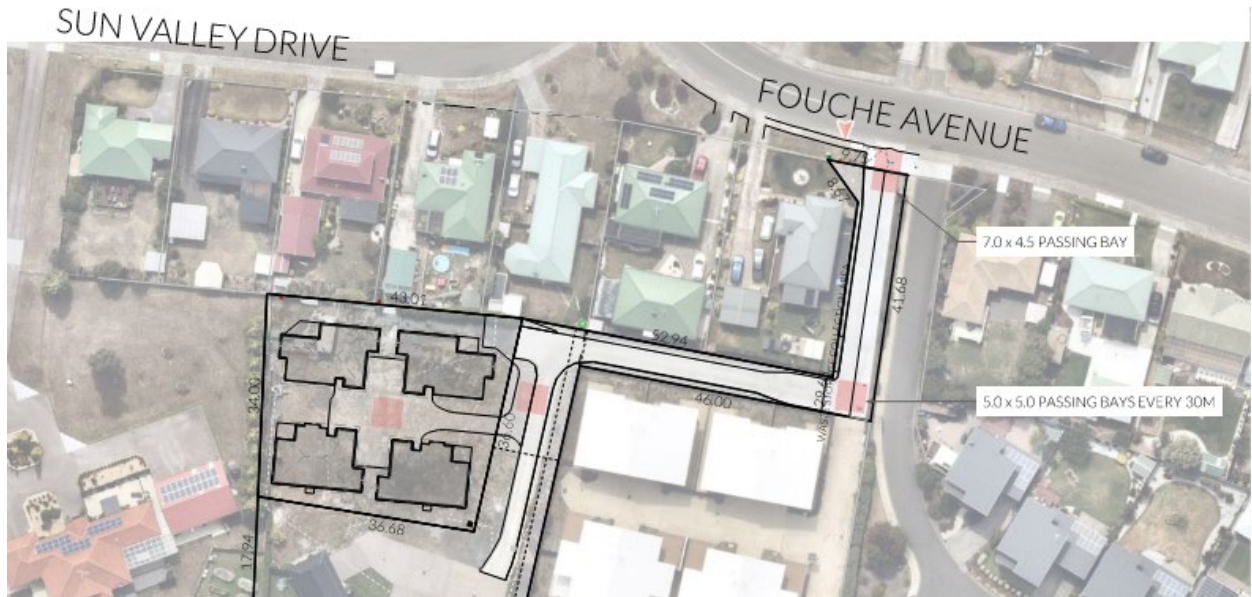


Figure 5: Proposed site plan (Source: the application)

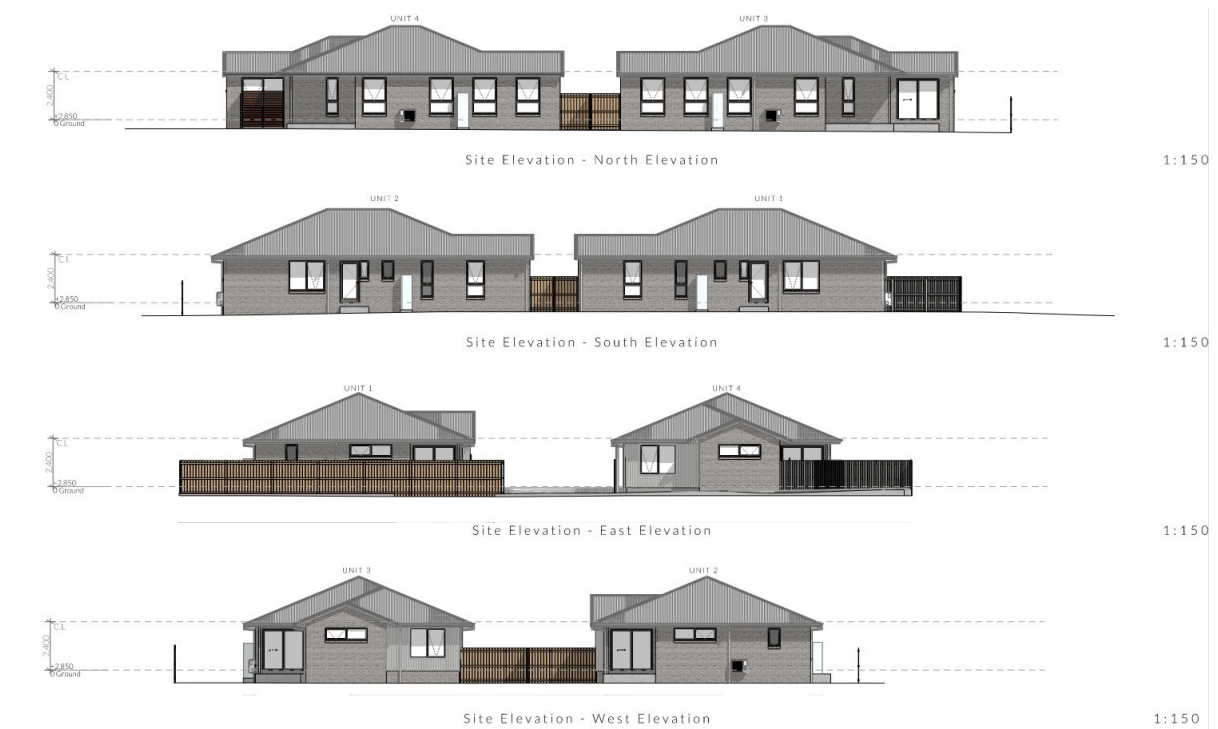


Figure 6: Proposed elevation plan (Source: the application)



Figure 7: Proposed landscaping plan (Source: the application)

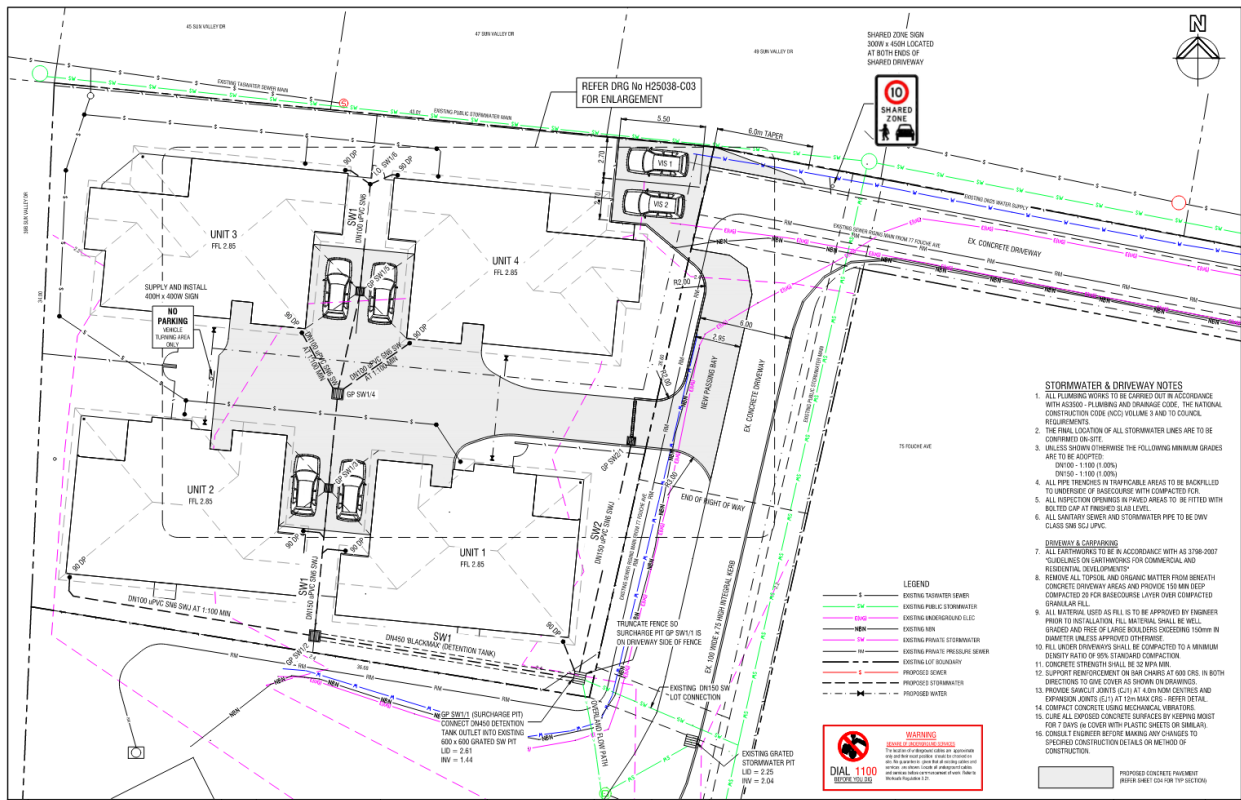


Figure 8: Proposed parking and service plan

#### 4. PLANNING SCHEME ASSESSMENT

##### Compliance with Applicable Standards:

*5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.*

*5.6.2 A standard is an applicable standard if:*

- (a) the proposed use or development will be on a site within:
 
  - (i) a zone;*
  - (ii) an area to which a specific area plan relates; or*
  - (iii) an area to which a site-specific qualification applies; or**
- (b) the proposed use or development is a use or development to which a relevant applies; and*
- (c) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.*

*5.6.3 Compliance for the purposes of subclause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.*

*5.6.4 The planning authority may consider the relevant objective in an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.*

##### Determining applications (clause 6.10.1):

*6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:*

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with section 57(5) of the Act,*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.*

##### Use Class

The Use Class is categorised as Residential under the Scheme. In the General Residential Zone, the *Residential Use* for Multiple Dwellings is a Permitted Use.

## Flood-prone Area Hazard Code and Coastal Inundation Hazard Code

Council records indicate that the Flood-prone Area Hazard Code would generally apply to the site, due to information it has in its possession (clause C12.2.24 of the Scheme). However, an exemption is provided at clause C12.2.5, which states that where land is subject to the Coastal Inundation Hazard Code, which is the case for the subject site, the Code does not apply.

The proposal is also exempt from the Coastal Inundation Hazard Code under Clause C11.4.1(a), as the use and development require authorisation under the *Building Act 2016*<sup>1</sup> and are not for any of the following:

- (i) a critical use, hazardous use, or vulnerable use;
- (ii) use or development located within a High Coastal Inundation Hazard Band;
- (iii) use or development located within a non-urban zone and within a Medium Coastal Inundation Hazard Band; or
- (iv) coastal protection works.

Additionally, the Coastal Vulnerability Assessment prepared for the previous subdivision, and resubmitted as part of the current development application, identifies combined inundation levels for the site of 1.94 m AHD in 2073 and 2.27 m AHD in 2100. The overland flow assessment contained in the submitted Stormwater Management Report classifies the flood hazard as H1, being the lowest hazard category and generally considered safe for people, vehicles and buildings. The proposed parking and access areas are designed at or above 2.5 m AHD, while the dwelling floor levels are set at 2.85 m AHD. On this basis, it is considered that the proposal can achieve consistency with the purpose of the Coastal Inundation Hazard Code, with the relevant risk appropriately addressed through authorisation under the *Building Act 2016*.

## Compliance with Performance Criteria

The proposal meets the Scheme's relevant Acceptable Solutions except for the following:

- Setbacks and Building Envelope for all Dwellings – Clause 8.4.2 P3
- Pedestrian Access - Clause C2.6.5 P1

Assessment against each performance criteria of the above standards are provided below:

---

<sup>1</sup> Director's Determination - Coastal Inundation Hazard Areas (27 September 2021), available at: <https://cbos.tas.gov.au/topics/technical-regulation/building-standards/building-practitioners/coastal-inundation-hazard-areas>

8.4.2 Setbacks and building envelope for all dwellings

<p><b>Objective:</b></p> <p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> <li>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</li> <li>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</li> <li>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</li> <li>(d) provides reasonable access to sunlight for existing solar energy installations.</li> </ul>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A3</b></p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> <li>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</li> </ul> </li> </ul>	<p><b>P3</b></p> <p>The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> <li>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> <li>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</li> <li>(ii) overshadowing the private open space of a dwelling on an adjoining property;</li> <li>(iii) overshadowing of an adjoining vacant property; and</li> <li>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</li> </ul> </li> <li>(b) provide separation between dwellings on adjoining properties</li> </ul>

<p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
--	---

Proposed Units 3 and 4 are setback 4.0m from the rear boundary of adjoining residential properties at 45, 47 and to some extent 49 Sun Valley Road (refer Figure 9).

As the subject land is an internal lot, the development does not satisfy Acceptable Solution A3(a)(i), which requires a distance of 4.5m from the rear boundary of a property with an adjoining frontage. Accordingly, the proposal must be assessed against Performance Criteria P3.

Planning assessment:

An assessment against each element of Performance Criteria P3 is set out below:

- (a) Units 3 and 4 will not cause an unreasonable loss of amenity to adjoining properties, having regard to the following matters:
  - (i) 45, 47 and 49 Sun Valley Drive are located to the north of the proposed buildings. Given this orientation, the proposal will not result in an unreasonable reduction in sunlight to habitable rooms on those properties.
  - (ii) For the same reason, the proposal will not unreasonably overshadow the private open space of adjoining dwellings to the north.
  - (iii) There are no adjoining vacant properties that would be affected by overshadowing from the proposed development.

(iv) Units 3 and 4 have a maximum building height of 5.253m. While the proposed 4.0m setback is 0.5m less than the Acceptable Solution, the built form is modest in scale. The dwellings adopt a conventional residential design with materials and proportions consistent with surrounding development. Having regard to the separation to adjoining dwellings and the established residential character of the locality, the proposal will not give rise to unreasonable visual impacts in terms of scale, bulk or proportion when viewed from adjoining properties.

(b) Notwithstanding the reduced setback, Units 3 and 4 maintain a separation from dwellings on adjoining properties that is generally consistent with the spacing evident within the established residential pattern of the area, as illustrated in Figure 9 below.



Figure 9: Approximate distance between dwellings on the northern adjoining properties and to the development area on the site.

(c) The siting of Units 3 and 4 will not cause an unreasonable reduction in sunlight to any existing solar energy installation on:

- (i) 45, 47 and 49 Sun Valley Drive, as the proposed buildings are located to the south of the existing dwellings;
- (ii) 39b Sun Valley Drive, as the proposed buildings are located to the north east of the existing solar panels on the existing building, which is orientated to face the north west.
- (ii) another dwelling on the same site, having regard to the separation distances of approximately 7m between Units 2 and 3, and 8m between Units 1 and 4.

For these reasons, the proposal is considered to satisfy Performance Criteria P3 and to be consistent with the Objective for Clause 8.4.2.

C2.6.5 - Pedestrian Access

<p><b>Objective:</b> That pedestrian access within parking areas is provided in a safe and convenient manner.</p>	
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A1.1</b></p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p><b>A1.2</b></p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<p><b>P1</b></p> <p>Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the nature of the use;</p> <p>(c) the number of parking spaces;</p> <p>(d) the frequency of vehicle movements;</p> <p>(e) the needs of persons with a disability;</p> <p>(f) the location and number of footpath crossings;</p> <p>(g) vehicle and pedestrian traffic safety;</p> <p>(h) the location of any access ways or parking aisles; and</p> <p>(i) any protective devices proposed for pedestrian safety.</p>

Car parking requirements for the site are two car parking spaces per dwelling, plus two visitor parks. The additional visitor car parking space is required given the site is an internal lot. Accordingly 10 car parking spaces have been provided, which satisfies the acceptable solution for car parking numbers.

Car parking has been provided as a single garage and adjacent car parking space for each dwelling, with visitor parking located at the end of the right of way, to the north east of unit 4 (refer Figure 8). However a pedestrian path has not been proposed for the parking areas.

Accordingly assessment of pedestrian access within the proposed parking areas is required to be assessed under C2.6.5 P1.

Planning assessment:

The development site is located within an established residential area characterised by infill development and is serviced by a shared driveway between 75 and 77 Fouche Avenue. The shared driveway comprises two sections:

- a first section extending from Fouche Avenue to the internal bend (6m width, Figure 11), and
- a second section extending from the corner to the subject site and proposed parking area (narrowest at 3.5m width, Figure 12).

With the proposed 4 new units, the broader shared access arrangement will serve a total of 20 dwellings, comprising 1 dwelling at 77 Fouche Avenue, 15 units at 75 Fouche Avenue, and 4 units at 77A Fouche Avenue.

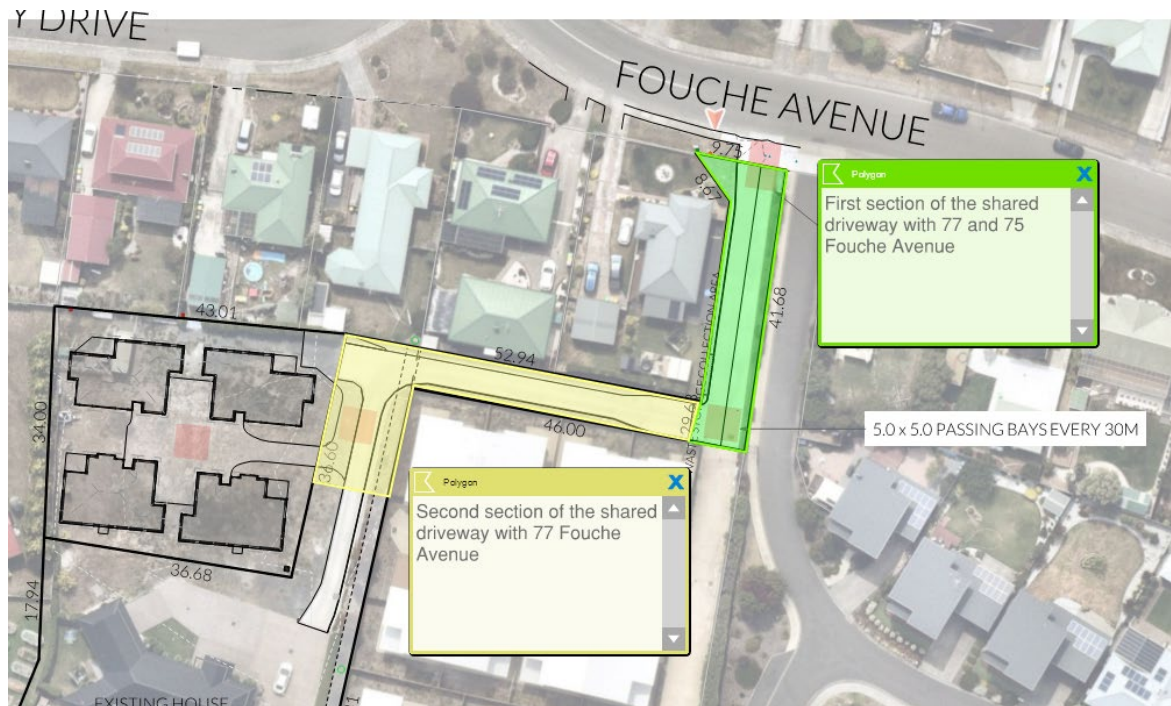


Figure 10: Sections of the shared driveway used for pedestrian access



Figure 11: Site entrance and available sight distance



Figure 12: Corner in the internal driveway leading to the second section of access to the site

An assessment against each element of the Performance Criteria is set out below:

(a) The site is an infill residential site accessed by an existing shared driveway arrangement. The first section of the driveway is sealed, flat, consistently 6 metres wide, and provides good sightlines, which supports safe shared use by vehicles and pedestrians. The second section continues from the bend toward the subject site and, while narrower than the frontage section, remains a sealed accessway with a straightforward internal arrangement and passing opportunities. The overall layout is typical of a shared residential access environment where low-speed movement can be expected.

(b) The use is residential, which typically results in predictable and relatively low-intensity pedestrian activity associated with residents and visitors moving between dwellings and parked vehicles. Pedestrian movements within both sections of the driveway are therefore of a type commonly associated with multiple dwelling developments.

(c) The shared driveway arrangement provides access to parking associated with:

- 35 parking spaces for 75 Fouche Avenue;
- 2 parking spaces for 77 Fouche Avenue; and
- 10 parking spaces for 77A Fouche Avenue.

The first section of the shared driveway accommodates access to all of these spaces, while the second section primarily serves the parking area associated with the subject site and 77 Fouche Avenue.

(d) Based on the Traffic Impact Assessment prepared by Milan Prodanovic for the approved 15-unit development at 75 Fouche Avenue, the expected traffic volume over the first section of the driveway is approximately one vehicle every seven minutes. This indicates a relatively low traffic frequency for a shared residential accessway. The proposed 4-unit development would add only a modest increase in vehicle use and is unlikely to materially intensify the use of the first section of driveway to the extent that pedestrian safety or convenience would be compromised.

The second section of the driveway serves only the subject site and a single dwelling at 77 Fouche Avenue, and therefore would experience a lower traffic volume than the first section.

(e) While no separate pedestrian footpath is provided within the internal driveway, the physical characteristics of the driveway support direct and convenient shared-surface access between the street, parking areas and dwellings. The arrangement is therefore capable of accommodating pedestrian movement, including for persons with a disability, in a practical residential setting. It is important to note that the proposal is not for a vulnerable residential use (e.g. assisted housing, respite centre).

(f) The shared driveway connects to Fouche Avenue at a single crossover location, thereby limiting the number of points where pedestrians on the public footpath may come into conflict with vehicles entering or exiting the site. In addition, pedestrian sight triangles at the junction of the circulation road with Fouche Avenue are stated to comply with AS 2890.1, ensuring adequate sight distance between exiting drivers and pedestrians using the Fouche Avenue footpath. This assists safe pedestrian movement at the principal interface between the site and the public realm.

(g) Vehicle and pedestrian safety are supported across both sections of the shared driveway by several factors, including:

- the 6-metre width, sealed surface and good sightlines;
- the low expected traffic frequency within the shared accessway;
- the residential context, which generally results in low vehicle speeds;

- the compliant pedestrian sight triangles at the Fouche Avenue junction; and
- the reduced traffic volume within the second section, which serves only the subject development.

Further signage will be conditioned to put up showing the driveway is for sharing with the speed limit of 10km/h. In this context, the risk of pedestrian-vehicle conflict is considered low.

(h) The driveway functions as the principal internal accessway to the dwellings and parking areas. The location and arrangement of these accessways are such that pedestrian movement can occur in a logical and direct manner from the street to the dwellings and parking spaces. The second section, being internal and serving fewer vehicles, is also of a scale where shared pedestrian access is acceptable.

(i) No physical protective devices, such as bollards, barriers or raised pedestrian refuges, are proposed or considered necessary in this instance. Having regard to the sealed surface, low-speed environment, good sightlines, low traffic frequency and the residential context, pedestrian safety can be adequately achieved without additional built protective measures. Signage identifying the shared nature of the driveway and the applicable speed limit will be required by condition to reinforce safe use by both drivers and pedestrians.

Having regard to the characteristics of the site, the residential nature of the use, the number of parking spaces served, the frequency of vehicle movements, the needs of persons with a disability, the single footpath crossing, and the overall safety of the shared access arrangement, the proposal is considered to provide safe and convenient pedestrian access within the parking and access areas.

Accordingly, the proposal is considered to satisfy Performance Criteria P1 and is consistent with the objective of this standard.

## 5. REFERRALS

### *Development Engineering*

The proposal has been considered by Council's Development Engineering. That officer's comments have been included within the assessment.

### *TasWater*

The application was referred to TasWater, who have issued a Submission to Planning Authority Notice reference number TWDA 2025/00210-BTN dated 22 April 2026, which is to be annexed to any permit issued.

## 6. REPRESENTATIONS

Three (3) representations received during the statutory public exhibition period between 25<sup>th</sup> April 2026 and 12<sup>th</sup> May 2026.

The concerns of the representor are summarised below:

Representors / Issues	<i>Planning Response</i>
<p><b>Representor #1</b></p> <p>Key issued raised as follow:</p> <ol style="list-style-type: none"> <li>1. Questioning predevelopment and post development runoff methods used.</li> <li>2. Questioning climate change allowances used.</li> <li>3. Questioning conflicting information of the outflow orifice.</li> <li>4. Questioning storm duration and resulting detention volumes are accurate.</li> <li>5. Questioning the methodology used to establish predevelopment flows.</li> <li>6. Questioning drainage for the turning head.</li> <li>7. Questioning property connection and capacity.</li> <li>8. Questioning detention tank efficiency.</li> <li>9. Questioning the lack of blockage assessment.</li> <li>10. Questioning overland flow discharge.</li> <li>11. Questioning development in low lying areas.</li> <li>12. Questioning treatment offset contribution policy.</li> <li>13. Questions the opinions formed by Council.</li> <li>14. Questions maintenance commitments.</li> </ol>	<p><i>As well as the Stormwater Management Report, Pinion Advisory has provided a response to the representation. Pinion Advisory are suitably qualified, and the report and subsequent response is considered sufficient to assess the application.</i></p> <p><i>In relation to point 2 of the representation Council has not formally adopted a position on which Climate Change Factors will be implemented. Council Officers have recently adopted an interim position however this was done after this application was lodged. The previous Climate Change Factor used by Council was 16.6%. This application therefore exceeded the required climate change factor at the time the application was lodged.</i></p> <p><i>In relation to point 12 of the representation Council Policy requires that:</i></p> <p><i>“Developments are required to pay the applicable fee as determined in Councils Fees and Charges schedule each year per additional dwelling.”</i></p> <p><i>It is somewhat ambiguous as to whether this includes the 1st dwelling or otherwise. In this instance a contribution was paid for the new lot created by the previous subdivision. The current contribution amount is \$2000 per additional dwelling or \$2000 per additional lot for a subdivision.</i></p> <p><i>Given that a single dwelling on the new lot would have been exempt Council Officers considered that a \$6000 contribution, combined with the \$2000 already received for the new lot was reasonable.</i></p> <p><i>That said the policy should be reviewed and the calculation of payment clarified.</i></p>

Representors / Issues	<i>Planning Response</i>
<p>15. Questions the conclusions reached within the report.</p>	<p><i>From a planning perspective, under the Tasmanian Planning Scheme – Brighton, the application is not discretionary on the basis of stormwater management. However, having regard to Council's Stormwater Quality Control Contributions Policy and clause 6.11.2 of the planning scheme, Council Officers are satisfied that the development is capable of being serviced by an acceptable stormwater solution that does not result in unreasonable impacts on adjoining land, downstream properties, or public infrastructure.</i></p>
<p><b>Representors #2 and #3</b></p> <p>Key issued raised as follow:</p> <ol style="list-style-type: none"> <li>1. General no objection against the development but raising concerns on the on-street parking cumulative increasing due to the construction period may cause unsafe intersection at Duval Drive/Fouche Avenue.</li> <li>2. Requesting Council to implement no standing signage at least 3m clear of driveway and extending control toward Sun Valley Drive.</li> </ol>	<p><i>The proposal complies with the Parking and Sustainable Transport Code of the Planning Scheme in relation to the number of off-street car parking spaces provided.</i></p> <p><i>The issues raised by the representors are noted. Concerns regarding on-street parking and traffic management during the construction period are not matters for assessment under the Planning Scheme.</i></p> <p><i>Notwithstanding this, the concerns have been referred to Council's Assets Department for consideration to ensure that traffic efficiency and safety in the vicinity of the Duval Drive/Fouche Avenue intersection are not compromised. Council can audit and monitor vehicle movements along and address any need to install signage as deemed necessary.</i></p> <p><i>A permit condition will also be included to ensure that off-site impacts, including on-street parking during the construction period, are appropriately managed and minimised.</i></p>

## 7. CONCLUSION

The proposal for Multiple Dwellings x 4 units at 77A Fouche Avenue, Old Beach, satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

**RECOMMENDATION:**

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application DA 2025/0006 for Multiple Dwellings x 4 at 77A Fouche Avenue, Old Beach, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

*General*

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.
- (3) The use is approved for residential use (multiple dwellings) only. Any other residential use, such as residential care facility, assisted housing, retirement village or respite centre, will require a separate planning permit.

*Landscaping*

- (4) Prior to commencement of use, all trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Director Development Services. Evidence showing compliance with this condition must be submitted to and approved by the Director Development Services within 30 days of planting.
- (5) Replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

*Amenity*

- (6) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Director Development Services.

*TasWater*

- (7) The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA 2025/00210-BTN dated 22/04/2026, as attached to this permit.

*Waste Collection*

- (8) Prior to commencement of use, a waste collection area must be provided on the main access in accordance with the endorsed plans and to the satisfaction of Council's Municipal Engineer.

- (9) Prior to commencement of use the owner/body corporate must provide written agreement allowing Councils waste collection contractor to enter the site and indemnify Council and said contractor from any damage arising from the collection of waste from the site.

#### *Services*

- (10) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.
- (11) The approved structure(s) and private infrastructure must be sited clear of any easement and structures located at least 1.0 metre measured horizontally from any Council service mains.
- (12) Prior to commencement of use, a separate sequentially numbered mailbox must be provided for each dwelling and the Body Corporate created under the Strata Titles Act 1998. The mailboxes must be located together at the junction of the driveway and the frontage, clear of the road reserve, in accordance with the requirements of Australia Post and the satisfaction of the Council's Director Development Services.
- (13) Any services located under the proposed driveway are to be provided with trafficable covers to the requirements of the relevant authority and Council's Municipal Engineer.

#### *Parking and Access*

- (14) Prior to commencement of use, a at least ten (10) parking spaces, including at least two (2) parking spaces per dwelling and at least two (2) visitor car parking spaces, must be provided on the land at all times for the use of the development.
- (15) All parking, access ways, manoeuvring and circulation spaces must be maintained in accordance the endorsed drawings, Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following,
  - (a) Constructed with a durable all-weather pavement
  - (b) Have an access driveway width not less than 5.5m,
  - (c) Drained to the public stormwater system,
  - (d) Surfaced by concrete or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement,
  - (e) Provide passing bays to allow for two-way traffic,
  - (f) Be delineated by line marking, signage and or other clear physical means.

#### *Parking Plan*

- (16) The driveway must be drained to minimise surface runoff over adjoining land (including road reservation) in accordance with the requirements of the Municipal Engineer and the *Building Act 2016*.

- (17) Prior to the application for building and plumbing approval under the Building Act 2016 being lodged with Council, the developer must submit to Council for approval an engineered parking plan that includes all of the following,
- (a) Design surface levels and gradients,
  - (b) Pavement details,
  - (c) Drainage,
  - (d) Turning and travel paths to demonstrate compliance with Australian Standard AS2890:1,
  - (e) Dimensions,
  - (f) Pedestrian pathways,
  - (g) Features such as letterboxes, electrical turrets, water infrastructure,
  - (h) Linemarking and surface delineation,
  - (i) Signage,
  - (j) Lighting,
  - (k) Fencing,
  - (l) All requirements of this permit.

***Advice:*** This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.

- (18) Prior to commencement of works or issue or approvals under the the Building Act 2016, the parking plan must be certified by a practicing engineer and shall form part of the permit once approved.
- (19) Prior to the issue of Certificates of Occupancy for any dwelling pursuant to the Building Ac 2016, the completed parking, accessways, manoeuvring and circulation spaces must be certified by a practicing civil engineer on completion to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
- (20) All parking, accessways, manoeuvring and circulation spaces must be completed before the use commences and must continue to be maintained to the satisfaction of Councils Municipal Engineer.

#### *Access to Public Road*

***Advice:*** No works on or affecting any Council road reservation is to be commenced until the Brighton Council has issued a WORKS IN ROAD RESERVATION PERMIT. Application for the issue of the necessary works permit is to be made to the Brighton Council's Asset Services Department prior to the proposed date of commencement of any works.

### *Stormwater*

- (21) Stormwater drainage from the proposed development must drain to the piped public stormwater system to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.
- (22) Unless approved otherwise by Council's Municipal Engineer the stormwater system for the proposed development must be substantially in accordance with the Stormwater Management Report, 77a Fouche Avenue, revision B, prepared by Pinion Advisory.
- (23) The stormwater drainage system for the proposed development must be designed to comply with all of the following:
  - (a) Stormwater detention must be provided such that peak flows from the site to the public stormwater system for up to a 5% AEP event are limited to pre-existing,
  - (b) Stormwater from the proposed development must be treated prior to entering the public stormwater system to,
    - i. Standard Stormwater Treatment Requirements specified in Table 3 Water Quality Treatment Targets in DEP AND LGAT TASMANIAN STORMWATER POLICY GUIDANCE AND STANDARDS FOR DEVELOPMENT 2021 V1.

Alternatively;

The developer may make a financial contribution to Brighton Council for the provision of stormwater treatment in accordance with *Council Policy 6.1 Stormwater Quality Control Contributions*.

- (24) The development must incorporate overland flow paths through the site to accommodate a 1% AEP (plus climate change) rainfall event.
- (25) The stormwater system within the development must continue to be maintained to ensure the quality targets, in accordance with the State Stormwater Strategy 2010, and flow rates discharging to the public stormwater system are maintained as per the approved design and water is conveyed so as not to create any nuisance to adjacent or downstream properties.
- (26) Prior to the lodgement of building or plumbing applications the developer must submit a revised (for construction) Stormwater Management Report to Council's Municipal Engineer. The Stormwater Management Report must be prepared and certified by a suitably qualified person, in accordance with section 2.6.2 of *DEP & LGAT (2021). Tasmanian Stormwater Policy Guidance and Standards for Development. Derwent Estuary Program and Local Government Association of Tasmania (Hobart, Australia)* and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The report must clearly demonstrate that the requirements of this permit are met and that adjacent and downstream properties will not be adversely impacted by the stormwater system. Once approved the Stormwater Management Report will form part of this permit.

***Advice:*** This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.

*Erosion and Sediment Control*

- (27) An Erosion and Sediment Control Plan (here referred to as a ‘ESCP’) prepared in accordance with the guidelines Erosion and Sediment Control, The fundamentals for development in Tasmania, by the Derwent Estuary Programme and Tamar Estuary and Esk Rivers Program, must be approved by Council’s Director Development Services before development of the land commences. The ESCP shall form part of this permit when approved.

***Advice:*** *This condition requires further information to be submitted and approved by Council’s Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.*

- (28) Temporary run-off, erosion and sediment controls must be installed in accordance with the approved ESCP and must be maintained at full operational capacity to the satisfaction of Council’s Director Development Services until the land is effectively rehabilitated and stabilised after completion of the development

*Construction amenity*

- (29) The development must only be carried out between the following hours unless otherwise approved by the Council’s Director Development Services:

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

- (30) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function, and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, wastewater, waste products, grit or otherwise.
  - (b) The transportation of materials, goods, and commodities to and from the land.
  - (c) Obstruction of any public footway or highway.
  - (d) Appearance of any building works or materials.
- (31) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council’s Director Development Services.
- (32) Prior to commencement of any works, the road frontage of the development site including road, kerb and channel, footpath, and nature strip, should be:
- (a) Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council’s Asset Services Department prior to construction.

- (b) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.

***Advice:*** *This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.*

- (33) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- (34) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

#### **THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:**

- A. If any condition in this permit requires that further documents are to be submitted and approved, you will need to submit the relevant documentation to [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au) for assessment pursuant to s60 of the *Land Use Planning and Approvals Act 1993*.

Where building approval is also required, it is recommended that documentation is submitted well before submitting documentation for building approval to avoid unexpected delays.

- B. Please contact your private building surveyor to ascertain what approvals (if any) are required under the *Building Act 2016*.
- C. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- D. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

#### **DECISION:**